MANCHESTER CITY COUNCIL

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Chris Barnabas
735 Ashton Old Road
Bradford
Manchester
M11 2HD

Agent (if used)

Mr John Hodkinson
3 New Century Apartments
55 Stubbins Lane
Ramsbottom
Bury
BL0 0PP

Part 1 – Particulars of the application/development

Proposal: Retrospective application for change of use from hot food takeaway and sandwich shop (sui generis) to hot food takeaway, sandwich shop and cafe, (sui generis use) with associated external alterations
New shop front.
Single storey extension and covering of rear yard.
Extraction flue at rear.

Location: 735 Ashton Old Road, Bradford, Manchester, M11 2HD

Date of application: 14 April 2014

Application number: 105447/FO/2014/N2

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 31 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Condition(s) attached to this decision

1) The development hereby approved shall be carried out in accordance with the drawings numbered 13/030/01 and 13/030/02A and the Planning, Design and Access Statement stamped as received by the City Council, as Local Planning Authority, on 14 April 2014.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of Manchester's Core Strategy and policies DC10, DC26 and E3.3 of the Unitary Development Plan for the City of Manchester.

2) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

7.30 am to 10.00 pm

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

3) No deliveries, servicing or waste collections shall take place on the site on Sundays or Bank Holidays and all deliveries, servicing and waste collections on other days shall be confined to the following hours:

7.30 a.m. to 8.00 p.m. Monday to Saturday.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation once the development is completed, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

4) Notwithstanding the details shown on the approved drawings/documents, within 3 months of the date of this permission a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details of the approved scheme shall be implemented within 3 months of the date of this permission and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policies DM1 and SP1 of Manchester's Core Strategy.

5) Within 3 months of the date of this permission all externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Externally mounted ancillary plant, equipment and servicing shall be acoustically treated in accordance with a scheme designed so as to achieve a noise level of 5dB below the existing background (LA90) in each octave band at the nearest noise sensitive location.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies DM1 and SP1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

6) Notwithstanding the details shown on the approved drawings/documents, within 3 months of the date of this permission specifications of the flue/fume extraction system shall be submitted to, and approved in writing by, the City Council as local planning authority. The development shall only be carried out in accordance with these approved details and approved scheme shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties pursuant to policy DC10 of the Manchester City Council Unitary Development Plan, policies DM1 and SP1 of the Manchester Core Strategy.

7) Within 3 months of the date of this permission, the flue hereby approved shall be painted a colour to be agreed in writing by the City Council as Local Planning Authority before the approved use is operational.

Reason - In the interests of the amenities of the occupiers nearby properties pursuant to policy DC10 of the Manchester City Council Unitary Development Plan, policies DM1 and SP1 of the Manchester Core Strategy..

8) Within 3 months of the date of this permission a litter bin of a size and type to be approved in writing by the City Council as local planning authority shall be installed on the forecourt of the premises and shall remain there for so long as the use is in existence.

Reason - To maintain the quality of the street environment in the locality of the development in order to comply with policy DC10 of the Manchester City Council Unitary Development Plan, policies DM1 and SP1 of the Manchester Core Strategy.

9) Notwithstanding the details shown on the approved drawings/documents, within 3 months of the date of this permission
a scheme shall be submitted to, and approved in writing by, the City Council, as Local Planning Authority, which indicates a servicing strategy for the premises. The servicing of the premises shall thereafter only be carried out in accordance with such approved details.

Reason

To ensure that the proposed development, and any increase in service vehicles, do not have any adverse effect on the safety and convenience both of those using the development and those using the public highway, pursuant to policy DC10 of the Manchester City Council Unitary Development Plan, policies DM1 and SP1 of the Manchester Core Strategy.

10) Within 3 months of the date of this permission, measures shall be incorporated into the development in order to alleviate any possibility of landfill gas ingress to the building. Unless determined by the City Council, as Local Planning Authority, that no measures are required, details of the required works shall be submitted to and approved in writing by the City Council as local planning authority. The development shall only be completed in accordance with these approve details.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas, pursuant to pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 9 June 2014

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.
Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com